

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ELSEBETH M. BAUMGARTNER,)	CASE NO. 3:05 CV 7182
)	
Plaintiff,)	JUDGE DAVID A. KATZ
)	
v.)	
)	<u>ORDER OF DISMISSAL</u>
TIMOTHY BRAUN, et al.,)	
)	
Defendants.)	

This action was filed by Elsebeth M. Baumgartner on April 18, 2005.¹ For the reasons stated below, this case is dismissed.

Judge Christopher A. Boyko's Memorandum of Opinion and Order in Case No. 3:04 CV 7738, dated February 22, 2005, recounts plaintiff Elsebeth Baumgartner's extensive history of vexatious litigation in this and other courts. The order enjoined Baumgartner from filing further actions without leave of court, and set forth specific

¹ Although the complaint also purports to be filed on behalf of Joseph L. Baumgartner, he did not sign the complaint and there is no indication of his consent to this action.

requirements for seeking and obtaining such leave.

Plaintiff has obviously not complied with the aforesaid requirements prior to filing this action. Accordingly, as this action was filed in error, it is dismissed. The court certifies that an appeal from this decision could not be taken in good faith.²

IT IS SO ORDERED.

S/ DAVID A. KATZ 5/4/05

DAVID A. KATZ
UNITED STATES DISTRICT JUDGE

² 28 U.S.C. § 1915(a)(3) provides, in pertinent part:

An appeal may not be taken in forma pauperis if the trial court certifies that it is not taken in good faith.